

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/977,552
Filing Date: October 15, 2001
Applicant: Hank Millet, et al.
Group Art Unit: 3746
Examiner: Charles G. Freay
Title: COMPRESSOR CONTROL AND COMMUNICATION
SYSTEM
Attorney Docket: 0315-000487/DVA

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**NOTICE AND STATEMENT FOR AMENDMENT TO BE CONSIDERED TIMELY
UNDER 37 C.F.R. § 1.8(b)**

Sir:

On January 11, 2008, a Non-Final Office Action was issued for the above application.

On April 11, 2008, Applicants' representatives, via undersigned, responded to the Non-Final Office Action with an Amendment that was transmitted to the Patent and Trademark Office via facsimile, under 37 C.F.R. § 1.6(d) and MPEP § 502.01. See Exhibit A, Amendment, dated 4/11/2008; Exhibit B, Transmittal Form with Certificate of Transmission / Mailing; Exhibit C, Facsimile Cover Sheet; and Exhibit D, Facsimile Confirmation Sheet.

On July 3, 2008, Applicants' representatives became aware that the Office has no evidence of receipt of the Amendment, dated April 11, 2008, for the reason that the Amendment does not appear in the Office's Patent Application Information Retrieval (PAIR) system. Applicants' representatives left telephone messages with the Examiner on this issue on July 7, 2008, July 9, 2008, and July 10, 2008.

In accordance with 37 C.F.R. § 1.8(b)(1), Applicants hereby inform the Office of the previous transmission of the Amendment on April 11, 2008 promptly after becoming aware that the Office has no evidence of receipt of the Amendment.

In accordance with 37 C.F.R. § 1.8(b)(2), Applicants have supplied an additional copy of the previously transmitted Amendment, attached as Exhibit A.

In accordance with 37 C.F.R. § 1.8(b)(3), Applicants' undersigned representative states that on April 11, 2008, Applicant's undersigned representative signed the Amendment, attached as Exhibit A, along with the Transmittal Form with Certificate of Transmission / Mailing, attached as Exhibit B. In accordance with normal course and practice, the Amendment was transmitted by facsimile to the Patent and Trademark Office, at the central facsimile number (571) 273-8300. The Facsimile Confirmation Sheet, attached as Exhibit D, confirms that all 15 pages of the facsimile submission were sent and received – 13 pages for the Amendment, 1 page for the Transmittal Form, and 1 page for the Fax cover Sheet. The column of the Facsimile Confirmation Sheet indicating "Result ... OK" confirms that the facsimile submission was in fact transmitted to the central facsimile number, at 3:51 p.m., on April 11, 2008.

Applicants note that an Amendment for related application number 10/769,703 was also submitted via facsimile transmission to the Office, at 3:54 p.m., on April 11,

2008 and, likewise, does not appear in PAIR. A corresponding Notice and Statement is concurrently being submitted for the related application.

For these reasons, Applicants request that the Amendment attached as Exhibit A be considered timely filed as of April 11, 2008, in accordance with 37 C.F.R. 1.8(b).

Respectfully submitted,

Dated: July 11, 2008

By: 
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EXHIBIT A